



Docket No. GRDSP0291USB

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Applicant: Jon Douglas Shearer  
Serial No.: 10/754,152  
Filed: January 9, 2004  
For: **LOW NOISE SOLID-STATE THERMOSTAT WITH MICROPROCESSOR CONTROLLED FAULT DETECTION AND REPORTING, AND PROGRAMMABLE SET POINT**  
Art Unit: 3744  
Examiner: Unknown

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, pending applications, publications and other information listed on the attached PTO-1449. A copy of each listed document is enclosed except for: (a) pending applications or (b) those previously cited or submitted to the Office in the following application(s) upon which this application relies for an earlier filing date under 35 U.S.C. 120:

Serial No.: \_\_\_\_\_  
Filing Date: \_\_\_\_\_

Regarding any document, publication or other information for which a date is not given on the attached PTO-1449, Applicant(s) believe(s) the same may qualify as "prior" art to this application and should be treated accordingly, although Applicant(s) reserve(s) the right to contest the prior art status of any document, publication or information, should issue arise.

2. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- (a) ☐ Copy of each English language version of a search report indicating the degree of relevance found by the foreign office of each document being submitted from the search report.
- (b) ☐ Attachment entitled "Concise Explanation of Relevance of Non-English Language Documents".

3. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed (one must be checked):

- (a) ☐ Within 3 months of the filing date, date of entry into the National Stage, or filing date of CPA.
- (b) ☒ Before the mailing date of a first Office Action on the merits. If this Statement is not filed before the mailing date of a first Office Action on the merits, the required certification is given below or, in the absence thereof, the Office is authorized to charge the required fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988 for consideration of this Statement.
- (c) ☐ Before the mailing date of a first Office Action on the merits after a first or second submission after final rejection under 37 C.F.R. 1.129(a).

(d) \_\_\_\_ After the period set forth in 37 C.F.R. 1.97(b) but before the mailing date of either a final action or a notice of allowance.

(1) \_\_\_\_ The required certification is given below, or

(2) \_\_\_\_ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement, or

(3) \_\_\_\_ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988

(e) \_\_\_\_ After the mailing date of either a final action or a notice of allowance, but before payment of the issue fee. Petition hereby is made for consideration of this Statement and the required certification is indicated below.

(1) \_\_\_\_ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p), or

(2) \_\_\_\_ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988.

4. Certification (if applicable)

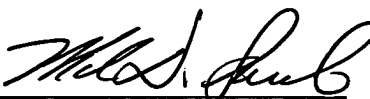
(a) \_\_\_\_ The undersigned hereby certifies that each item of information contained in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Statement.

(b) \_\_\_\_ The undersigned hereby certifies that no item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the undersigned's knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Statement.

5. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By 

Mark D. Saralino  
Reg. No. 34,243

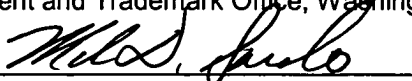
1621 Euclid Avenue, 19th Floor  
Cleveland, Ohio 44115  
(216) 621-1113

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Date: July 19, 2004

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Mark D. Saralino

Form PTO-1449 (Modified)

# LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Atty Docket No.

BFGHP0291USB

Serial No.

10/754,152

Applicant:

Jon Douglas Shearer

Filing Date

January 9, 2004

Group

3744

## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Sub-class	Filing Date if Appropriate
	4,365,167	12/21/1982	Weimer et al.			
	5,351,162	9/27/1994	Koishikawa			
	5,592,989	1/14/1997	Lynn et al.			
	5,924,486	7/20/1999	Ethlers et al.			
	6,006,996	12/28/1999	Bhatnagar			
	6,134,134	10/17/2000	Dushane et al.			
	6,049,658	4/11/2000	Schave et al.			
	3,456,455	07/1999	Sapir			
	4,776,514	10/1988	Johnstone et al.			
	5,765,994	06/1998	Barbier, William J.			
	6,396,032	05/2002	Denny et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Country	Class	Sub-class	Translation	
						Yes	No

## OTHER ART

Examiner Initial	Author, Title, Date, Pertinent Pages, etc.

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

## Information Disclosure Statement PTO-1449 (Modified)

The identification of any reference is not intended to be, and should not be understood as being, an admission that such publication, in fact, constitutes "prior art" within the meaning of applicable law since, for example, a given reference may have a later effective date than first seems apparent or the reference may have an effective date which can be antedated. The "prior art" status of any reference is a matter to be resolved during prosecution.

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